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FISCAL IMPACT REPORT

SPONSOR Thompson DATE TYPED 2/02/04 HB 409

SHORT TITLE Public Defender Fee Increase SB _____

ANALYST Bransford

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY04	FY05			
	Unknown		Recurring	Public Defender Automation Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From
Administrative Office of the Court (AOC)

No Response
Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

House Bill 409 amends Section 31-15-12 NMSA 1978, of the criminal code for the purpose of increasing the application fee paid by a defendant to the Public Defender Department from \$10.00 to \$20.00 effective July 1, 2004.

Significant Issues

The PDD has reported that in many cases judges tend to waive the application fee and this happens more often in districts where there is not a state-run PDD office. PDD collected \$112.9 thousand in application fees in fiscal year 2003. The fee is deposited in the public defender automation fund.

In an effort to support the department's initiative to improve collection of the current fees, the LFC includes "percent of cases in which application fees were collected" as a new performance measures for fiscal year 2005.

FISCAL IMPLICATIONS

The governor's performance review indicated that improving collection efforts and increasing fees could generate an additional \$204.3 thousand in revenue.

ADMINISTRATIVE IMPLICATIONS

The legislation should have little to no impact on the department's operations.

POSSIBLE QUESTIONS

If some judges tend to waive the fee at \$10, what effect will it have on this tendency at \$20?

VB/lg:yr